IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No. 4681 of 2005
In
First Appeal (Stamp) No. 23151 of 2005

Bipin Amrutlal Modi, Mumbai .. Applicant
V/s.
Municipal Corporation of Gr. Bombay .. Respondent

Mr. Navin B. Shah i/b. Mr. Piyush Shah for the Applicant

Mr. A.Y. Sakhare, Sr. Counsel i/b. Ms. Nisha Dabhade for the Respondent

CORAM : DR. S. RADHAKRISHNAN &
R.S. MOHITE, JJ.
DATED : 09.12.2005.

P.C.:-

1. Heard the learned counsel for the Applicant and the learned Senior counsel for the Respondent. By this Civil Application, the Applicant is seeking condonation of delay of four years and ten months in filing the above Appeal.

2. Perused the Civil Application. Paragraph 3, practically contains no details whatsoever with regard to the particulars of aforesaid delay of four years and ten months. In view thereof, the Applicant was permitted to file an additional affidavit to substantiate his case. Unfortunately, even the additional affidavit dated 6.12.2005, specially paragraph 4 contains absolutely no details and particulars of the delay and the said affidavit is again very vague. Over and above, it appears that the Appellant had personally attended the proceedings

before the Motor Accident Claims Tribunal, when he was not requiring the assistance and has given the evidence before the Motor Accident Claims Tribunal.

3. Under these circumstances, this Application is not at all a bonafide application and the Application is totally devoid of merits. The Applicant is totally callous in pursuing his remedy. The Application stands dismissed with costs.

(DR. S. RADHAKRISHNAN, J.)

(R.S. MOHITE, J.)